

TARIFF

BRIEF TABLE

of

DISBURSEMENTS

Payable to prothonotary of the Superior Court
on contentious proceedings

IN THE DISTRICTS

of

QUEBEC, MONTREAL, OTTAWA, THREE RIVERS
and ST. FRANCIS

In force October 1st. 1915

by

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This work is not the tariff properly called, but a concise summary or résumé indicating the costs (fees and tax) payable on usual proceedings and classed in alphabetical order.

For certain articles relative to less frequent proceedings, the tariff must be consulted. See Quebec Official Gazette, September 11, 1915, Supplement.

To advocates and students in charge of the production of documents, this book will be found useful.

*For tariff on abandonment of property & winding up of companies, v.
page 10.*

TARIFF OF THE SUPERIOR COURT—RESPECTING CONTENTIOUS PROCEEDINGS.

SECTION I

Classes of actions.

ARTICLE 1.—*First class :*

1. Actions in which the amount or the value in dispute is \$1,000 or over.
2. Proceedings by way of injunction, *quo warranto*, *mandamus*, prohibition, annulment of letters patent (*scire facias*), and other analogous proceedings, for which provisions is made by Articles 978 to 1010 C. C. P., and actions to set aside a will, in separation of bed and board, in declaration of paternity, in opposition to marriage, actions of boundary, possessory and petitory actions, saving however proceedings for interlocutory or interim injunctions, which are of the same class as the action in which they are taken.

ARTICLE 2.—*Second class :*

1. Actions in which the amount or the value in dispute is \$400 or over.
2. Actions in separation of property, for removal from tutorship or curatorship, in partition, and all personal, real and mixed actions which are not included in the first class, and not otherwise provided for.
3. Contestations of municipal elections, and actions to revise or set aside municipal by-laws or other municipal proceedings in cities and towns.

ARTICLE 3.—*Third class :*

Actions in which the amount or value in dispute is \$200 or over.

ARTICLE 4.—*Fourth class :*

1. Actions in which the amount or the value in dispute is \$100 and less than \$200.
2. Contestations of municipal elections, and actions to revise or set aside municipal by-laws or other municipal proceedings, elsewhere than in cities and towns.

SECTION II

ARTICLE 5 :

For any proceeding not specially provided for by the tariff, the fees and taxes are those fixed for analogous proceedings.

ARTICLE 6 :

In actions to account, the class of action is determined by the amount claimed as balance of account.

ARTICLE 7 :

In any action for eviction under the law governing lessors and lessees, in which there is no claim for rent or damages, the class of action is determined by the annual rental.

ARTICLE 8 :

In actions by way of *capias ad respondendum* for sums of less than \$100, the fees and taxes are the same as in fourth class actions.

ARTICLE 9 :

In hypothecary actions or actions for seigniorial dues, or for registration of a workman's privilege, the amount claimed determines the class of action.

ARTICLE 10 :

On a petition under articles 7321 and following of the Revised Statutes, 1909, respecting accidents happening by reason of or in the course of work ; when judgment is rendered awarding compensation, the fee upon such petition is that upon the return of a writ of summons according to the amount awarded or the capital amount upon which the rent is based

ARTICLE 11 :

The fees and taxes upon an incidental demand, intervention, opposition for payment, opposition by a third party or contestation of a garnishee's declaration, are according to the amount claimed by the proceeding in question ; upon an opposition to withdraw, they are according to the value of the property sought to be withdrawn; and upon an opposition to annul, they are according to the class of action in which it is made. And if, in such proceedings, the amount or the value of the thing in dispute is less than \$100, then the fees and taxes are those of a non-appealable action for a like amount in the Circuit Court.

ARTICLE 12 :

No tax shall be paid upon any *alias* or *pluries* writ of any kind whatsoever.

Article of Tariff.	PROCEEDINGS	CLASSES			
		1st	2nd	3rd	4th
37	Account (filing of) under judgment ordering same				2 00
13	Affidavit for issue of a writ				1 00
62	Affixing the seal of the court				10
14	Amendment				50
31	Answers to interrogatories upon articulated facts	1 00	1 00	1 00	50
61	Answer to or contestation of petition or motion not provided for				1 00
41	— to or contestation of petition for folle bidding (folle enchère)	3 00	3 00	3 00	1 00
39	— or to contestation of decision of garnishee				
42	— or reply to petition for vacating Sheriff's sale (<i>nullité de décret</i>)	10 00	8 00	6 00	4 00
43	— or reply to contestation of report of distribution				
37	— or reply to contestation of account				
57	Appeal to Court of King's Bench				
	Inscription				14 00
	Security bond				5 00
	Justification				50
	Copy of bond				1 00
	Copying proceedings per 100 words				10
	Preparation and transmis- sion of record				5 00
58	— to Supreme Court or Privy Council				

Articles of tariff	PROCEEDINGS	CLASSES			
		1st	2nd	3d	4th
	Security, Supreme Court				
	— Privy Council				
	For comparing or certi- fying copy of record, 15 cts. per page.				
50	Appeal from Courts of inferior juris- diction to Superior Court . . .				
	On security when required.				
	— petition to appeal.				
	— answer or contestation.				
	— inscription and incidental pro- ceedings, as in 4th class.				
56	Appearance in review.				
26	Bail bond security for costs.				
	on <i>capias</i> or otherwise.	5 00	4 00	3 00	2 00
	\$10 000 or over.				
	\$50 000 " "				
	Justification.				
64	Bill of costs (taxation).	1 50	1 10	70	60
	<i>Capias</i> V. <i>Writ</i> s.				
18	Certificate of default and any official certificate.				
29	— of last proceeding including search.	1 00	1 00	1 00	70
60	<i>Certiorari</i> .				
	Petition.				
	Affidavit.				
	Writ.				
	Fees of 3rd. class on sub- sequent proceedings.				
40	Claim V. Opposition.				
43	Collocation and distribution of monies. V. art. 13 of tariff.				
32	<i>Commission rogatoire</i>				
	On return of same.				
	On receipt of a commission from another Court for examina- tion of witnesses.				
	For preparing and transmit- ting a record to another Court for examination of witnesses.				
25	Confession of judgment.	3 00	2 00	1 00	80
18	Confirmation of title.				
	On production of title.				
	On every copy of notice not more than 200 words.				
	For every additional 100 words.				
	On the petition.				

Articles of tariff	PROCEEDINGS	CLASSES			
		1st	2nd	3rd	4th
19	Improbation, same as incidental demand.				
	Deposit on same. (Art. 227 C. P.)				
	N. B. The amount must however be fixed by the judge.	115 00	112 00	84 00	56 00
30	Inscriptions.				
	In default & <i>ex parte</i> cases.	5 00	4 00	3 00	2 00
	Contested cases.	6 00	5 00	4 00	2 00
	\$10 000 or over.	8 00			
	\$50 000 " "	10 00			
	Re-inscription.	1 00			
19	Intervention, same as incidental demand.				
35	Jury (Trial by)				
	On motion to fix date of trial.	7 00			
	On <i>do</i> in cases of \$10 000				
	or over.	9 00			
	On <i>do</i> in cases of \$50 000				
	or over.	12 00			
	Writ of <i>Venire Facias</i> .	10 00			
	List of jurors.	5 00			
	Swearing jurors & recording verdict.	5 00			
	When case referred to Court of Review for preparing record.	5 00			
27	Justification of solvency.	50			
34	List of exhibits.	20			
44	<i>Mandamus, quo warranto</i> , injunction, prohibition, <i>Scire Facias</i> , etc.,				
	On petition or information.	8 00			
	" affidavit.	1 00			
	" writ & subsequent proceed- ings same as in 1st class actions.				
	" answer to petition preliminary to issue of writ and on answer to petition for interlocutory or interim injunction.	2 00			
61	Motion v. petition				
63	Oath (jurat) of expert, practitioner, auditor & others.	30			
40	Oppositions (V. general rules, Art. 11) to annul, to withdraw, to secure charges, for payment, sub-opposition & claim.	4 00	3 00	2 50	2 00
	Contestation of <i>do</i> . V. Contes- tation.				
48	— to ratification of title.				
52	— to judgment, same as a defence.				
19	— by third party, same as inci- dental demand.				

Articles of tariff	PROCEEDINGS	CLASSES			
		1st	2nd	3rd	4th
19	Opposition to marriage.	8 00			
	1st class on subsequent proceedings.				
31	Order on <i>faits et articles</i>	10 c. copy.	10		
47	Partition & licitation.				
	On licitation proceedings in				
	case of one immoveable.	15 00			
	On each additional immoveable.	3 00			
	On the sale when price not more				
	than \$1000.	3 00			
	When price more than \$1,000.	7 00			
	" " " " 5,000.	12 00			
	" " " " 10,000.	15 00			
	" " " " 25,000.	20 00			
	" " " " 50,000.	30 00			
	" " " " 100,000.	50 00			
	For preparing deed of sale.	6 00			
	For every copy of deed.	2 00			
	For more particulars V. art.				
	47 of tariff.				
65	Percentage on monies deposited 2%				
	Plea V. Contestation.				
10	Petition under Article 7321 R. S., 1909				
	respecting accidents V. article				
	10 page 2.				
19	in revocation of judgment				
22	same as on incidental demand.				
	for revision of list of electors.	2 00			
	1st class C. C. on subsequent				
	proceedings.				
28	for continuance of suit.	2 00	2 00	2 00	1 00
38	Same fee on answer or contestation				
41	to appoint curator to surrender.	2 00	2 00	2 00	1 00
	for resale for false bidding				
	(folle enchère) according to				
	amount of adjudication				
42	Same for fees on answer or reply.	3 00	3 00	3 00	1 00
	(<i>en nullité de décret</i>).				
	vacating Sheriff's sale Petition				
45	Contestation of same, as a defence.	8 00	7 00	6 00	4 00
53	of right (V. art. 15 of tariff).				
	In revision of judgment, same				
	as a plea.				
61	or motion not specially				
	provided for.	1 00			
41	Prohibition V. <i>Mandamus</i> .				
23	Preliminary exceptions.				
	Deposit with same.	5 00	1 00	3 00	2 00
44	<i>Quo Warranto</i> , V. <i>Mandamus</i> .	15 00	10 00	8 00	6 00
19	Recusation, same as on incidental demand				

1th	Articles of tariff	PROCEEDINGS	CLASSES			
			1st	2nd	3rd	4th
17	Return of writ of summons, attachment for rent, <i>saisie-gagerie</i> , seizure revendication, conservatory attachment, attachment before judgment, <i>capias</i> , injunction, <i>quo warranto</i> , prohibition, <i>mandamus</i> , <i>scire facias</i> .		7 00	6 00	5 00	4 00
	In actions for \$10 000 or over.	8 00				
	In actions for \$50 000 or over.	10 00				
39	— of writ of <i>saisie-arrest</i> after judgment.	1 00				
60	— of a writ of <i>certiorari</i>	5 00				
59	Review					
	On inscription.	5 00				
	"receipt of record at Quebec or Montreal.	3 00				
	"appearance.	3 00				
	"factum.	2 00				
	"re-hearing.	1 00				
	"other proceedings, same in S. C.					
32	Rogatory Commission. <i>V. Commission rogatoire</i> .					
26	Security <i>V. Bail-bond</i> .					
31	Subpoena. . . 40 c. copy, 10 c.					
31	Summons under Articles 286, 590, 651, 811, 882, 883, C. P.	40				
	Copy.	10				
38	Surrender (abandonment).	1 00				
64	Taxation of costs.		1 50	1 10	70	60
19	<i>Tierce opposition</i> . Same as an incidental demand.					
15	Writs of summons, attachment for rent (<i>saisie gagerie</i>), revendication, conservatory attachment, attachment before judgment, <i>capias</i> , injunction, <i>quo warranto</i> , prohibition, <i>mandamus</i> , <i>scire facias</i>		5 00	4 00	3 00	2 00
	Alias.		3 00	2 00	1 50	1 00
	N. B. <i>Capias</i> issued for less than \$100 fees and tax of 4th class action.					
60	— <i>certiorari</i>	3 00				
	Alias.	1 50				
50	— <i>Habeas Corpus</i>	2 00				
	Alias.	1 00				
35	— <i>Venire Facias</i>	10 00				
	Alias.	7 00				
	Every copy of writ.	30				
39	— of execution, <i>Venditioni exponas</i> , attachment after judgment, possession and coercive imprisonment (<i>contrainte par corps</i>).		3 00	2 00	1 80	1 70

Articles
of tariff

PROCEEDINGS

CLASSES

1st

2nd

3rd

4th

Alias.	1 50	1 00	1 00	1 00
N.B. on above mentioned writs of execution etc., the fees & tax are determined by the class of the action, unless writ issued for a smaller amount, then according to amount for which writ is issued.				

ABANDONMENT OF PROPERTY & WINDING UP OF COMPANIES.

1148	The general tariff of the Superior Court applies to all proceedings not especially provided for.				
1153	Abandonment (Demand of)				\$ 5 00
115.	Copy				0 30
132.	Action for revendication V. Motion. (art.132)				
124.	Answer to contestation of statement of debtor.				10 00
127.	— to contestation of dividend sheet.				
129.	— to contestation of claim	1st Class.			10 00
		2nd "			8 00
		3rd "			6 00
		4th "			4 00
		Under \$100.			2 00
118.	Appointment of provisional Guardian.				0 50
121.	Attendance to meeting of creditors.				2 00
142.	Bill of costs (taxation).				1 30
118.	Consent of debtor to make assignment.				1 00
122.	Contestation of demand of abandonment.				10 00
123.	— of the statement filed by the debtor (1st Class).				8 00
125.	— of the dividend Sheet (1st C.)				8 00
126.	— of ditto when it affects one or several dividends, according to the amount of the sums contested.				
128.	— of claim	1st Class.			8 00
		2nd "			7 00
		3rd "			5 00
		4th "			1 00
		Under \$100.			1 90
159.	— of petition for winding up of company.				10 00
152.	— of petition to fix list of contributors				10 00
136.	— of motion, petition or contestation not elsewhere mentioned				1 00
141.	Copy of judgment not exceeding 200 words.				1 10
	Each additional 100 words.				0 10
115.	Demand of abandonment.				5 00
	Copy				0 30
130.	Inscription in law without contestation on facts, same as a contestation on facts.				
	— on merits, same as in general tariff.				
131.	Intervention (V. Motion. art. 132)				
114.	Justification of solvency.				0 50
145.	Ministerial act outside of office, for each attendance.				3 00

132.	Motion or petition of the nature of an intervention or of an opposition whatsoever, or of an action either for revendication or of any other nature, if the amount in question is not established by affidavit; always of the 1st. class.	8 00
133.	If established by affidavit.	
	1st class.	8 00
	2nd " "	7 00
	3rd " "	5 00
	4th " "	4 00
	Under \$100.	1 90
134.	Answer to proceedings above mentioned.	
	1st class.	10 00
	2nd " "	8 00
	3rd " "	6 00
	4th " "	4 00
	Under \$100.	2 10
135.	Motion	
132.	petition or demand not specially mentioned.	1 00
	Opposition.	
	1st Class.	8 00
	2nd " "	7 00
	3rd " "	5 00
	4th " "	4 00
	Under \$100	1 90
134.	(Contestation of)	
	1st Class.	10 00
	2nd " "	8 00
	3rd " "	6 00
	4th " "	4 00
	Under \$100.	2 10
117.	Petition for appointment of provisional guardian.	8 00
149.	for winding up of a company.	8 00
151.	to fix list of contributors.	8 00
116.	Return of demand of abandonment.	8 00
132.	Revendication (V. motion art. 132)	7 00
137.	Rule not exceeding 200 words.	
138.	1st copy or duplicate, not exceeding 200 words.	0 60
139.	every other copy not exceeding 200 words.	0 30
140.	For every additional 100 words.	0 10
143.	Security bond recognizance.	0 10
119.	Statement (filing of) of debtor.	5 00
120	additional.	6 00
		3 00